

CLOSED

**U.S. District Court
District of New Hampshire (Concord)
CIVIL DOCKET FOR CASE #: 1:12-cv-00134-PB**

Union Leader Corporation v. US Department of Homeland Security, US Immigration and Customs Enforcement
Assigned to: Judge Paul J. Barbadoro
Cause: 05:552 Freedom of Information Act

Date Filed: 04/04/2012
Date Terminated: 04/18/2013
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Union Leader Corporation**

represented by **Gregory V. Sullivan**
Malloy & Sullivan Lawyers PC
78 West Merrimack St
Manchester, NH 03101
668-3737
Email: g.sullivan@att.net
ATTORNEY TO BE NOTICED

V.

Defendant

**US Department of Homeland Security,
US Immigration and Customs
Enforcement**

represented by **Michael T. McCormack**
US Attorney's Office (NH)
James C. Cleveland Federal Building
53 Pleasant St, 4th Flr
Concord, NH 03301-0001
603-225-1552
Email: Michael.McCormack2@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/04/2012	<u>1</u>	NEW CASE/ COMPLAINT. Filing fee \$ 350, receipt number 0102-867796 filed by Union Leader Corporation. (Attachments: # <u>1</u> Exhibit Fact Sheet, # <u>2</u> Exhibit Email, # <u>3</u> Exhibit FOIA Request, # <u>4</u> Exhibit FOIA Response, # <u>5</u> Exhibit FOIA Appeal, # <u>6</u> Exhibit FOIA Denial, # <u>7</u> Civil Cover Sheet, # <u>8</u> Summons – Waiver)(Sullivan, Gregory) (Entered: 04/04/2012)
04/04/2012		Case assigned to Judge Paul J. Barbadoro. The case designation is: 12-cv-134-PB. Please show this number with the judge designation on all future pleadings. (amm) (Entered: 04/05/2012)
04/04/2012		NOTICE. This case has been designated for Electronic Case Filing. All further submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. Pro se litigants are not required to file electronically and may continue to file documents in paper format. Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click HERE. (amm) (Entered: 04/05/2012)
04/05/2012	<u>2</u>	Summons Issued Electronically as to US Department of Homeland Security, US Immigration and Customs Enforcement. NOTICE: Counsel shall print and serve the summons and all attachments in accordance with Fed.R.Civ.P.4. (Attachments: # <u>1</u> Notice ECF)(amm) (Entered: 04/05/2012)
04/05/2012		NOTICE re <u>1</u> Complaint – New Case, filed by Union Leader Corporation. Pursuant to Federal Rules of Civil Procedure and Local Rules, Disclosure Statements must be filed after filing case initiating document. No Disclosure Statement has been filed. File Disclosure Statement using the <i>Other Documents/Disclosure Statement</i> event. Union Leader Corporation shall file a

		disclosure statement by 4/11/2012. Disclosure Statement due 4/11/2012.(amm) (Entered: 04/05/2012)
04/05/2012	<u>3</u>	Disclosure Statement by Union Leader Corporation disclosing parent companies, and merger agreement (Sullivan, Gregory) (Entered: 04/05/2012)
04/06/2012		NOTICE of ECF Filing Error re: <u>3</u> Disclosure Statement filed by Union Leader Corporation. Documents must be provided in an electronically converted PDF text searchable format in accordance with A.P. 2.3(a). NO ACTION REQUIRED – FOR INFORMATIONAL PURPOSES ONLY AND MERELY INTENDED TO EDUCATE ALL PARTIES IN THE CASE. If the filing party has any questions concerning this notice, please contact the judge's case manager at 603–225–1423.(mxm) (Entered: 04/06/2012)
05/07/2012	<u>4</u>	Return of Service Executed as to US Department of Homeland Security, US Immigration and Customs Enforcement by Union Leader Corporation. Served/Mailed on 4/30/2012. Answer Follow Up on 5/24/2012.(Sullivan, Gregory) (Entered: 05/07/2012)
05/29/2012	<u>5</u>	ANSWER to <u>1</u> Complaint – New Case, filed by US Department of Homeland Security, US Immigration and Customs Enforcement.(McCormack, Michael) (Entered: 05/29/2012)
06/05/2012		NOTICE OF PRETRIAL CONFERENCE. Pretrial Conference set for 7/5/2012 10:00 AM before Magistrate Judge Landya B. McCafferty. Follow up on Discovery Plan 6/28/2012. Please note pursuant to Title 28 USC 636(c) and Local Rule 73.1, the parties may consent to have the case reassigned to the Magistrate Judge, but are free to withhold consent without adverse consequences.(kad) (Entered: 06/05/2012)
06/28/2012	<u>6</u>	Proposed Discovery Plan filed by US Department of Homeland Security, US Immigration and Customs Enforcement. (McCormack, Michael) (Entered: 06/28/2012)
06/29/2012		ENDORSED ORDER approving <u>6</u> Discovery Plan. Length of Trial 1 day. Case Track: Standard. PRETRIAL CONFERENCE CANCELLED. Text of Order: Approved and adopted as a pretrial scheduling order. Trial: Two–week trial period beginning July 9, 2013. In light of the court's approval of the parties' proposed discovery plan, the pretrial conference currently scheduled to occur on July 5, 2012, is cancelled. So Ordered by Magistrate Judge Landya B. McCafferty. Defendant's Summary Judgment Motions due by 10/30/2012. Plaintiff's Summary Motion Filing Deadline 11/30/2012. Mediation Follow Up on 3/5/2013.(mm) (Entered: 06/29/2012)
06/29/2012		TRIAL NOTICE: LR 16.2(d) Objections due 6/24/13.. Bench Trial set for the two–week period beginning 7/9/2013 09:30 AM before Judge Paul J. Barbadoro. Final Pretrial Conference set for 6/27/2013 03:00 PM before Judge Paul J. Barbadoro. Pretrial Statements due 6/10/2013. (mm) (Entered: 06/29/2012)
10/29/2012	<u>7</u>	MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by US Department of Homeland Security, US Immigration and Customs Enforcement. Follow up on Objection on 11/16/2012. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Exhibit (Affidavit) 1 – Declaration of Ryan Law, # <u>3</u> Exhibit A to Declaration (Vaughn Index), # <u>4</u> Exhibit B to Declaration (Letter dated February 29, 2012), # <u>5</u> Exhibit C to Declaration (Letter dated March 9, 2012), # <u>6</u> Exhibit D to Declaration (Letter dated March 14, 2012), # <u>7</u> Exhibit E to Declaration (Letter dated March 22, 2012), # <u>8</u> Exhibit F to Declaration (Letter dated March 28, 2012))(McCormack, Michael) (Entered: 10/29/2012)
11/16/2012	<u>8</u>	OBJECTION to <u>7</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment and Cross Motion for Summary Judgment</i> filed by Union Leader Corporation. (Attachments: # <u>1</u> Memorandum of Law)(Sullivan, Gregory) (Entered: 11/16/2012)
11/19/2012		Notice of Intent to Reply to Objection to <u>7</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> . Follow up on Reply on 12/6/2012.(mxm) (Entered: 11/19/2012)

11/23/2012	<u>9</u>	Assented to MOTION to Extend Time to Reply to Plaintiff's Objection to Motion to Dismiss or for Summary Judgment to December 17, 2012 filed by US Department of Homeland Security, US Immigration and Customs Enforcement.(McCormack, Michael) (Entered: 11/23/2012)
11/26/2012		ENDORSED ORDER granting <u>9</u> Motion to Extend Time to Reply to Motion to Dismiss. Text of Order: Granted. So Ordered by Judge Paul J. Barbadoro. Follow up on Reply on 12/17/2012.(jna) (Entered: 11/26/2012)
12/17/2012	<u>10</u>	REPLY to Objection to Motion re <u>7</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by US Department of Homeland Security, US Immigration and Customs Enforcement. (McCormack, Michael) (Entered: 12/17/2012)
12/17/2012	<u>11</u>	Objection to <u>8</u> Objection to Motion <i>and Cross Motion for Summary Judgment</i> filed by US Department of Homeland Security, US Immigration and Customs Enforcement. (McCormack, Michael) (Entered: 12/17/2012)
12/17/2012	<u>12</u>	BRIEF/MEMORANDUM re <u>11</u> Objection to <i>to Plaintiff's Motion to Dismiss and Reply to Plaintiff's Objection to Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment</i> by US Department of Homeland Security, US Immigration and Customs Enforcement (Attachments: # <u>1</u> Exhibit (Affidavit) 1 – Declaration of Ryan Law, # <u>2</u> Attachment to Exhibit 1–A Plaintiff's FOIA Request, # <u>3</u> Attachment to Exhibit 1–B ICE's 3/9/12 Response Letter, # <u>4</u> Attachment to Exhibit 1–C Plaintiff's 3/14/12 Appeal)(McCormack, Michael) (Entered: 12/17/2012)
12/31/2012	<u>13</u>	Assented to MOTION for Leave to File Reply to Objection filed by Union Leader Corporation. (Attachments: # <u>1</u> Exhibit Reply to Objection)(Sullivan, Gregory) (Entered: 12/31/2012)
01/02/2013		ENDORSED ORDER granting <u>13</u> Motion for Leave to File Reply.. Text of Order: Granted. Within 48 hours counsel shall electronically refile the pleading attached to the Motion for Leave to File using the appropriate event in CMECF. So Ordered by Judge Paul J. Barbadoro. Miscellaneous Deadline set for 1/7/2013.(jna) (Entered: 01/02/2013)
01/02/2013	<u>14</u>	REPLY to Objection to Motion re <u>7</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> filed by Union Leader Corporation. (Sullivan, Gregory) (Entered: 01/02/2013)
02/28/2013		NOTICE of Hearing re: <u>7</u> MOTION to Dismiss <i>or, in the alternative, for Summary Judgment</i> , <u>8</u> Objection to Motion or in the alternative cross motion for summary judgment. Oral Argument set for 4/15/2013 03:00 PM before Judge Paul J. Barbadoro.(mm) (Entered: 02/28/2013)
03/05/2013	<u>15</u>	Joint Mediation Statement: mediation not appropriate (Sullivan, Gregory) (Entered: 03/05/2013)
04/15/2013		Minute Entry for proceedings held before Judge Paul J. Barbadoro. ORAL ARGUMENT held on 4/15/2013 re: Motions to dismiss or in the alternative for summary judgment. Motions taken un der advisement, Judge encourages USA to voluntarily provide the information, Order to issue (Court Reporter: Susan Bateman) (Pltfs Atty: Gregory Sullivan) (Defts Atty: Michael McCormack)(Total Hearing Time: 1:10) (mxm) (Entered: 04/16/2013)
04/18/2013	<u>16</u>	ORDER denying Union Leader's <u>8</u> Objection to Motion or in the alternative cross motion for summary judgment and granting ICE's <u>7</u> Motion to Dismiss or in the alternative Motion for Summary Judgment. So Ordered by Judge Paul J. Barbadoro.(mm) (Entered: 04/18/2013)
04/18/2013	<u>17</u>	JUDGMENT is hereby entered in accordance with <u>16</u> Order,. Signed by Clerk James R. Starr. (Case Closed) (mm) (Entered: 04/19/2013)
04/18/2013	<u>18</u>	CORRECTED ORDER denying the Union Leaders <u>8</u> objection and cross motion for summary judgment and granting ICE's motion to dismiss or in the alternative for summary judgment <u>7</u> Motion to Dismiss. So Ordered by Judge Paul J. Barbadoro.(correcting the Opinion no.)(mm) (Entered: 04/19/2013)